

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No. 18549 of 2024

Pratibha Pradeep Keer and others ... Petitioners

V/s.

Ramesh Bhalchandra keer and others ... Respondents.

Mr. Prasad Apte a/w. Mr. Bhavesh Joshi	Advocate for the Petitioners
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CORAM : S.M. MODAK, J

DATE : 11 December 2024.

P.C. :

The praecipe is moved for taking the matter on board.

2. Considering the short issue involved, this petition is taken on Board. Heard finally.

3. There is only prayer to quash and set aside the order and Roznama dated 5 October 2024. The copy of the Roznama is annexed to the petition on Page No.38. With the assistance of learned Advocate, I have read that order. It is dated 5 October 2024. The following are the events which are noted by the Judge, City Civil Court (HHJ Prashant Kale - Court No.65).

- (i) Chamber summons No.1626/24 was on Board. The present petitioner is the applicant therein. This Chamber Summons

is filed for bringing the legal heirs of the original plaintiff who has died.

(ii) The Roznama records no one is present on behalf of the applicant.

(iii) That is why the trial Court has kept the matter for dismissal on 15 January 2025.

4. Petitioner apprehends the trial Court will dismiss this chamber summons without hearing him and in fact on 15 January 2025 the petitioner is ready to advance arguments on chamber summons. If this is so, no Judge will refuse the liberty to argue the matter. Even this Court is directing the trial Court to hear the arguments on behalf of the applicant in chamber summons if he appears. If he does not appear, then the learned trial Judge is at liberty to pass appropriate order.

5. There is one more issue; the learned trial Judge has refused to continue the interim order. It is on account of non-absence of the learned Advocate for the applicant-petitioner. The order on Roznama further mentions, *at 5.00 p.m. the learned Advocate for the petitioner-applicant appeared before the Court and requested for continuing earlier order.* The Judge observed *“in view of the Roznama, the applicants to do the needful as per law”*.

6. If it is so, it is for the applicant to take appropriate steps before the trial Court. Filing this writ petition is not the remedy. If the

applicant wants extension of status-quo, he can move the trial Court and trial Court to consider that request as per law.

7. This is a limited issue involved in this petition. On the basis of above observations made, **writ petition is disposed of.**

(S.M. MODAK, J.)